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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,913	06/13/2006	Leopoldo Bevilacqua	163-672	6099
47888 7590 04/28/2009 HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER CASAREGOLA, LOUIS J				
ART UNIT 3741		PAPER NUMBER		
MAIL DATE 04/28/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,913

Applicant(s)

BEVILACQUA ET AL.

Examiner

Louis J. Casaregola

Art Unit

3741

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Species Election

This application encompasses two different species of the inventive subject matter. These species correspond to a first embodiment shown in Figures 1 and 4, and a second embodiment shown in Figures 5-7. The species constitute patentably distinct inventions (35 USC 121) and lack unity of invention (PCT Rule 13.1) because they are not so linked as to form a single inventive concept and they lack the same special technical features relating to a housing unit for temperature and humidity probes. Furthermore, examination of more than one such species would involve an added search and/or examination burden because the different species require divergent fields of search and/or the application of different reference material. Applicants are required for a complete response to (1) elect a single disclosed species and (2) list all claims readable on the elected species including any claims subsequently added.

Claim 1 appears to be generic.

Applicants are further advised that a mere argument alleging that a generic claim is allowable will not satisfy a species election requirement. For a complete response, applicants must elect a single species and list the claims readable on that species as set forth above. In the event that a generic claim is allowed, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Claim Rejections - 35 USC 112

Claims 1-13 are rejected under 35 USC 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The present claims include a number of significant features described in terms of language that is vague, indefinite, ambiguous or inaccurate.

Claim 1 and related dependent claims 2-13 recite “a lifting and pressurization station(16)” (see claim 1, lines 4-5, and claim 9, lines 2-3). The cited expression, especially the term “lifting”, is vague and indefinite. It is presumed that the term “lifting” must mean something other than “pressurization”, but the intended meaning of the term is simply not clear.

Claim 1 also describes a maximum operating pressure as “preferably up to 120 bar” (lines 6-7). Any such feature introduced by the term “preferably” is categorically indefinite since it is unclear whether that feature actually has a limiting effect on the claim.

Claim 3 recites “a continuous electric-electronic inverter (38, 38a) of the rotation rate” (lines 4-5). The “inverter” described in the cited passage is ambiguous. The term “inverter” is normally used in the electrical engineering field to describe a device that converts DC current to AC current, but the cited passage appears to apply this term to some type of control device for changing or reversing the speed of a pump drive motor.

Claim 4 recites "chamber (51) is positioned horizontally or vertically in a transit canalization or duct 14" (lines 4-6). As shown in the corresponding embodiment of Figure 1, however, chamber 51 is located adjacent to rather than "in" duct 14. The claim consequently appears to conflict with the disclosed invention and thus raises a question as to whether the present claim language is in fact accurate.

Claim 4 additionally recites "a number of holes (47, 50), arranged in an out of axis sequence" (lines 8-9). As shown in the corresponding embodiment of Figure 4, however, at least holes 47 appear to be axially aligned, which raises a further question of claim accuracy.

Claims 5 and 7 recite a "rotation regime reducer" (claim 5, line 4, and claim 7, lines 3-4). The cited language is ambiguous -- it is unclear whether the claim is reciting a speed reducing device, i.e. a gearbox, or something else.

Claim 10 refers to regulation and control units as "envisaged in the present cooling system" (lines 5-6), and claim 13 similarly refers to further structure with the term "envisages" (lines 2-7). As used in their present context, the meaning of the terms "envisaged" and "envisages" is not clear and the claims are consequently rendered indefinite.

Claims 7 and 8 are further rejected under 35 USC 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for

failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.

Claim 7 recites that the so-called rotation regime reducer:

"is run by a software that reveals the position by means of an encoder system and through a programmed logic, decides and memorizes the appropriate position for registering the thermo-hygrometric condition" (lines 4-7).

Claim 8 further recites:

"water conditioning apparatuses, with the possible fractionation in several filtration and separation steps of the slurries, using components with a mechanical and/or electro-magnetic action, subjected to both manual and automatic control with local and/or remote installation with local and/or remote analogical visualization of the process data" (lines 4-10).

The material in the two above cited passages, while briefly mentioned in the specification, is not supported by a full and adequate disclosure (§112, first paragraph), and furthermore, the claim language itself appears to describe an intended use or operating method that has no clear limiting effect on the actual structure of the claimed apparatus (§112, second paragraph).

Claim Rejections - 35 USC 102

Claims 1, 2 and 10 are rejected under 35 USC 102(b) as being anticipated by Horii et al.

To the extent that the claims can be understood, the various features of the recited gas turbine water system are all present in conventional water systems of the type disclosed by Horii. Attention is called for example to the gas turbine water system in Horii's Figure 1; see the gas turbine comprising elements 1-3, the measuring and control apparatus comprising element 35 along with related components, the pressurization (lift and pressurization) station comprising pump 20 along with related components, the water nozzles 17, the nozzle piping and header structure (ramps) comprising elements 15 and 25, the housing unit 14, and the temperature and humidity probes 36 and 61.

With regard to claim 2, it is emphasized that recited subject matter relates to manufacturing methods and has no significant limiting effect on the claimed apparatus. Whether the claimed water treatment system is installed in a gas turbine plant at the time of construction or as a later retrofit, the end product apparatus would still be the same and would still be anticipated by conventional prior art.

With respect to claim 10, it is additionally pointed out that Horii's control unit 35 operating in conjunction with pump 20 and valve 22 will necessarily cause a variation in the quantity of water sent to nozzles 17.

Additional References

Zachary et al, Tomlinson et al, and Utamura are cited as disclosing further pertinent examples of gas turbine water supply systems.

/Louis J. Casaregola/
Primary Examiner; A.U. 3741
571-272-4826 (M-F; 7:30-4:00)
571-273-8300 FAX
April 27, 2009

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Michael Cuff, can be reached at 571-272-6778.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).